

REMARKS

I. Summary of Office Action

Claims 1-98 were pending in the application. Claims 1-12, 14-24, 26-30, 32-44, 46-56, 58-62, 64-76, 78-86, 88-93 and 95-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks et al. U.S. patent 6,515,680 (hereinafter "Hendricks") in view of Thompson et al. U.S. patent 5,644,775 (hereinafter "Thompson"). Claims 13, 45 and 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Shaffer et al. U.S. patent 6,240,170 (hereinafter "Shaffer"). Claims 25, 57 and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Kwoh et al. U.S. patent 6,115,057 (hereinafter "Kwoh"). Claims 31, 63 and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Cookson et al. U.S. patent 6,487,365 (hereinafter "Cookson").

II. Summary of Applicants' Reply to Office Action

Claims 65 and 69 have been amended to correct inadvertent antecedent basis errors. Claims 96-98 have been cancelled without prejudice.

The Examiner's rejections of claims 1-95 are respectfully traversed.

III. The Rejections Of Claims 1, 33 and 65
Under 35 U.S.C. § 103(a)

Generally speaking, independent claims 1, 33 and 65 are directed towards an interactive television program guide that gives users the ability to manage the language characteristics of the interactive television program guide and content associated with one or more television programs. Specifically, applicants' approaches provide an intuitive and efficient interface to allow the user to select languages for program audio and program guide display screen text using a single action. In general, audio tracks are used to play the different languages for television program audio and program guide display screen text may include any text included in program guide display screens.¹ Accordingly, this single action of selecting a language provides for both the playing of audio and the displaying of program guide display screen text.

¹ Program guide display screen text may include, for example, program guide button labels, program list labels, program grid labels, or text that indicates or otherwise describes program guide functionality, or any other text that may be considered part of the program guide itself and displayed in program guide display screens, such as, for example, titles, channels, descriptions and content information, rating information, text for advertisements, or any other suitable text-based information (see Applicants' Specification, page 8, lines 3-14).

The Examiner contends that the Interactive Menu Screen of Hendricks shows "providing a user with the opportunity to select a language using the interactive television program guide," as defined in applicants' claims 1, 33 and 65 (see Office Action, pages 2-3). Applicants respectfully disagree. Hendricks contains only a single passage that mentions language selection (i.e., column 10, lines 47-61) and the Examiner points to this passing reference of language selection in an attempt to show applicants' claimed feature. However, this passage of Hendricks discusses how the network controller of the cable headend can manage local programming needs. As an example of local programming needs the cable headend can support, Hendricks discloses that the network controller can handle the "selection of different foreign languages for the same video" (Hendricks, column 10, lines 58-59).

This fails to show "providing a user with the opportunity to select a language using the interactive television program guide" for at least the following reasons. Hendricks clearly discloses that it is the network controller, and not the user, who selects the foreign language based on local programming needs. Although not specifically disclosed in Hendricks as such, it is likely that this may be done if, for example, a local cable operator wanted to provide programs in

Spanish because the local area population is predominantly Spanish-speaking. Additionally, since it is the network controller, which is located at the cable headend, making the selection, the selection is not being made using the interactive television program guide. As defined in applicants' claims 1, 33 and 65, the "interactive television program guide [is] implemented on interactive television program guide equipment having user television equipment." Therefore, since in Hendricks the selection of a language is done at the cable headend, it cannot show or suggest selection using the interactive television program guide, which is located at the user television equipment, as specified in applicants' claims.

Moreover, it is not clear what the network controller is selecting the foreign language for in Hendricks. Hendricks discloses that foreign language selection is done for the "same video" (see Hendricks, column 10, lines 58-59). It is unclear what "video" Hendricks is referring to and, more importantly, in what capacity the foreign language selection is associated with the video. The selection of a language in applicants' claims provides for the selection of both the playing of audio and the displaying of program guide display screen text. Nowhere in Hendricks does it show or suggest that the selection of a foreign language is for the playing of audio or for the

displaying of program guide display screen text.

In fact, the Examiner admits that "Hendricks fails to explicitly teach means for providing PG-Text on TV 222 using the Int-MMenu in the language selected by the user" (Office Action, page 3). Nevertheless, the Examiner contends that "it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Thompson into the system of Hendricks to convert PG-Text in English to other languages to provide PG-Text in other languages beside English, thereby offering services worldwide" (Office Action, page 3). The Examiner, however, has failed to provide sufficient motivation for combining the references. See In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"). See also MPEP §§ 2142 and 2143.01.

Instead of providing the requisite teaching or motivation for combining the references, the Examiner merely concludes that it would have been obvious to combine Hendricks with Thompson "to [offer] services world wide." But such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed.

Cir. 2000); In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999); see also MPEP § 2143. Without a proper motivation for combining the references, the Examiner has "simply take[n] the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability," a practice that is insufficient as a matter of law. In re Dembiczak, 175 F.3d 994, 999.

In addition, the Examiner further contends that Hendricks shows that "the STT 220 selects one or more tracks having the content in the language selected by the user for playing by user TV 222" (Office Action, page 3). However, applicants submit that the section of Hendricks that discusses the set top terminal (i.e., column 14, line 16 through column 47, line 60) does not show or suggest "tracks having content in the language selected by the user," as required by applicants' claims. As mentioned above, the only discussion in Hendricks concerning language selection is with reference to the network controller, which is part of the cable headend, not the set top terminal. Hendricks explains that language selection is based on local programming needs (see Hendricks, column 10, lines 47-61). Hendricks also discloses a signal processor that is part of the cable headend which handles local programming needs as well. It does so by modifying the program signal to incorporate local programming into the program signal and

sending the modified signal on to the set top terminals (see Hendricks, column 10, lines 3-26). If Hendricks were to include audio tracks having programming in the language selected by the user, based on this discussion of language selection and signal modification, it would likely be provided at the cable headend by the signal processor. Yet, Hendricks does not show or suggest that the signal processor modifies the signal to include "tracks having content in the language selected by the user" as part of the signal.

In order for the set top terminal to select tracks having content in the language selected by the user for playing, as the Examiner contends, the set top terminal would have to receive a signal that includes these tracks. However, since Hendricks does not show or suggest that the signal is modified to include "tracks having content in the language selected by the user," Hendricks cannot show or suggest that the set top terminal selects "tracks having content in the language selected by the user."

The Examiner also contends that "a Selector within TV 222 permits selection of different foreign language, for the same video, by the user and enables the playing of the television program and one or more of the plurality of associated tracks" (Office Action, page 3). However, applicants

submit that the subscriber's television in Hendricks is used merely for display purposes. The set top terminal receives signals from the cable headend and provides, for example, menus to be displayed on the subscriber's television. (See, e.g., Hendricks, column 3, line 49 through column 4, line 25 and column 7, lines 10-29). Therefore, applicants' statements above, with respect to the set top terminal not selecting "tracks having content in the language selected by the user," apply equally to the subscriber's television.

Accordingly, for at least these reasons, applicants respectfully request that the rejection of claims 1, 33 and 65 under 35 U.S.C. § 103(a) be withdrawn.

IV. The Rejection Of Claims 2-32, 34-64 and 66-95
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-12, 14-24, 26-30, 32, 34-44, 46-56, 58-62, 64, 66-76, 78-86 and 88-93 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson. The Examiner rejected claims 13, 45 and 77 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Shaffer. The Examiner rejected claims 25, 57 and 87 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Kwoh. The Examiner rejected claims 31, 63 and 94


under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Thompson and further in view of Cookson.

Claims 2-32 are dependent from claim 1 and are allowable at least because claim 1 is allowable. Claims 34-64 are dependent from claim 33 and are allowable at least because claim 33 is allowable. Claims 66-95 are dependent from claim 65 and are allowable at least because claim 65 is allowable.

V. Conclusion

The foregoing demonstrates that claims 1-95 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,


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